

THE HON. RICHARD JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAMONT JEFFREY REYNOLDS,

Defendant.

CASE NO. CR18-131 RAJ

SUPPLEMENTAL CITATION TO
AUTHORITY

COMES NOW Lamont Jeffrey Reynolds, the defendant, by and through his attorney, Neil M. Fox, and provides this Court with the following supplemental authority:

1. *United States v. Jorge Baron*, 06-CR-02095 (E.D.WA 6/16/20) (Judge Stanley Bastian):

When Defendant filed his motion, he indicated there were a handful of confirmed positive COVID-19 cases among inmates; that number has swelled astronomically since then. According to news reports, nearly all inmates at FCI Lompoc have tested positive for COVID-19, though many have remained asymptomatic, despite prison rules requiring inmates to maintain physical distance and confining them to their quarters at all times. [Footnote omitted] At least four inmates have died.

1 In early April 2020, Defendant submitted a compassionate release
 2 request to his warden, citing his age and diagnoses of diabetes and
 3 hypertension, by filing out a piece of paper and giving it to a guard.
 4 Defendant's medical records also indicate that he is insulin-dependent,
 obese, and has decreased kidney function and hyperlipidemia. Unlike
 other prisons, staff at FCI Lompoc specifically directed inmates not to
 file official compassionate release requests. . . .

5 . . .

6 The Court finds that extraordinary and compelling reasons justify
 7 a sentence reduction to time served. *Bluntly, FCI Lompoc has utterly*
 8 *abandoned its responsibility to protect inmates like Defendant.* Despite
 9 assurances by BOP that they have matters under control—including in
 10 statements to members of Congress in Senate hearings—this is clearly
 not the case. FCI Lompoc was already overpopulated, contributing to the
 nearly universal infection rate in the prison. Already the subject of at
 least one lawsuit for the conditions leading to these astronomical
 infection rates,[footnote omitted] *FCI Lompoc has shown it has no*
 11 *ability to protect those incarcerated there.*

12 Defense counsel indicates that Defendant himself tested positive
 13 for the virus. After testing positive, Defendant lost 25 pounds in only two
 14 weeks, cannot breathe when he sleeps, wakes up in sweats, and suffered
 from head and throat pain. *The fact that Defendant has so far survived*
 15 *being infected by COVID-19 does not and will not prevent the Court*
 16 *from granting the request for compassionate release. The long-term*
 17 *effects of infection are uncertain—it is uncertain whether infection will*
 18 *cause additional health problems in the short-term, whether infection*
 19 *confers immunity from re-infection, and whether those infected will*
 20 *require long-term care. In addition, Defendant suffered and continues to*
 21 *suffer significant psychological trauma from awaiting infection, being*
 22 *infected, and dealing with the aftereffects of infection.* Finally, Defendant
 has only 15 months remaining on a 210-month sentence.

23 *Defendant's health conditions, the physical and psychological*
 24 *trauma caused by COVID-19 infection, and FCI Lompoc's clear failure*
 25 *to prevent and contain the spread of COVID-19 and ensure the health of*
 26 *those who are infected constitute extraordinary and compelling*
 27 *circumstances justifying compassionate release.* Granting Defendant's
 28 request for compassionate release satisfies the Section 3553(a) factors.
 The Court therefore grants Defendant's motion.

Dkt. 156 at 2, 5-6 (emphasis added).

DATED this 25th day of June 2020.

Respectfully submitted,

s/ Neil M. Fox
 Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorney of record for the Plaintiff and all other parties.

s/ Neil M. Fox
Attorney for Defendant